

In re: Putt et al.
Serial No.: 10/797,775
Filed: March 10, 2004
Page 10 of 15

REMARKS

Claims 1-35 are pending. The drawings are objected to under 37 CFR 1.83(a). Claims 1-4, 6, 8-12, 14, 16, 17, 23-25, 27, 29-32 and 34 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,290,278 to Loveland ("Loveland"). Claims 5, 7, 13, 18-22, 26, 28, 33 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Loveland.

Applicants have amended Claims 1, 9, 18, 23 and 29 to clarify the present invention. Applicants have amended Claim 30 to correct a typographical error. New Claims 36-39 have been added. Applicants respectfully traverse the objection to the drawings and the rejections under §102 and §103 for at least the reasons set forth below.

In re: Putt et al.
Serial No.: 10/797,775
Filed: March 10, 2004
Page 11 of 15

Drawing Objections Are Overcome

The Action states that the drawings are objected to because the spaced apart rigid members having a plurality of spaced apart apertures, as recited in Claim 33, are not illustrated. Applicants respectfully submit that one skilled in the art, upon reading Applicants' Claim 33 and referring to Figs. 5 and 5a, would understand that multiple, spaced apart rigid members could have apertures as illustrated in Figs. 5 and 5a. Moreover, at Page 7, Line 33, Applicants' specification specifically states:

In order, to reduce weight of the floor mat 20, the rigid member 24 (or one or more rigid members if a plurality) may include a plurality of spaced-apart apertures 40 formed therethrough as illustrated in Figs. 5-5A. The apertures 40 may have any shape and size, and may be arranged in virtually any pattern or array. (Applicants' Specification, Page 7, Line 33 - Page 8, Line 6).

Applicants respectfully submit that the drawings adequately illustrate all features of the claims including Claim 33.

In re: Putt et al.
Serial No.: 10/797,775
Filed: March 10, 2004
Page 12 of 15

§102 and §103 Rejections Are Overcome

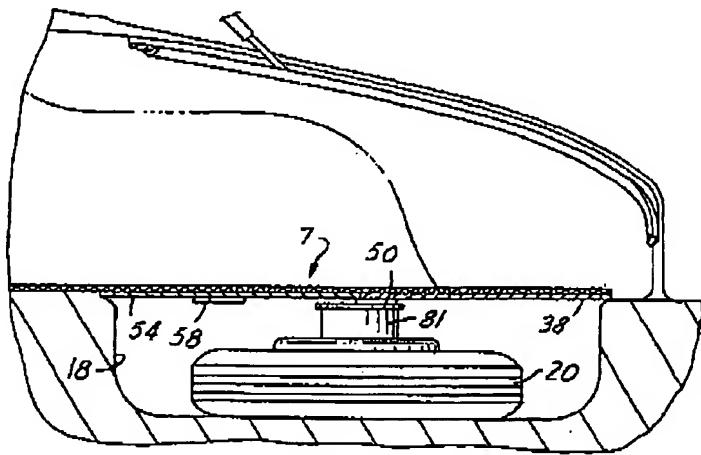
A claim is anticipated under 35 U.S.C. §102 if each claimed element is found in a single prior art reference. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991); *Carella v. Starlight Archery and Pro Line Co.*, 804 F.2d 135, 138 (Fed. Cir. 1986). There must be no difference between the claimed invention and the reference disclosure, as viewed by an ordinary artisan. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d at 1576.

Applicants' amended independent Claim 1 recites a vehicle floor mat, comprising:

a pliable layer configured to overlie an area of a vehicle floor; and
a rigid member attached to a portion of the pliable layer, wherein the rigid member has a width sufficient to span a recessed portion in the vehicle floor area such that the pliable layer is rendered substantially non-pliable above the recessed portion, and such that the floor mat is *self-supporting* and can *independently support* a load placed thereon above the recessed portion, *without any external support from within the recessed portion*.

Amended independent Claims 18, 23 and 29 contain similar recitations.

Loveland fails to teach a floor mat having a pliable layer and a rigid member attached to a portion of the pliable layer such that the pliable layer is rendered substantially non-pliable above the recessed portion, and such that the floor mat can *independently support* a load placed thereon above the recessed portion, *without any external support from within the recessed portion*. Figs. 6 and 7 from Loveland are set forth below.



In re: Putt et al.
 Serial No.: 10/797,775
 Filed: March 10, 2004
 Page 13 of 15

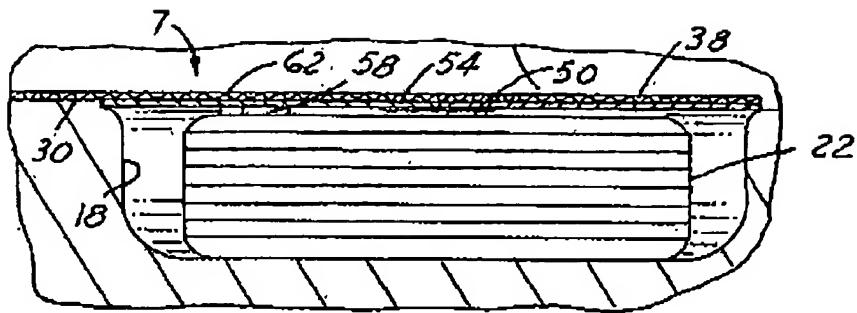


FIG. 7

Loveland describes a trunk liner 7 that has a generally rigid rear or first board 38. The first board 38 has a rear edge 40 and a width 49 which spans over the sunken well 18 in a vehicle trunk. The first board 38 has a pair of support [blocks] pads 50 which allow the first board 38 to be supported on top of a full-size spare tire 22 as shown in Fig. 7. The Loveland trunk liner 7 also has a second generally rigid board 54. The second board 54 has a width spanning over the sunken well 18. The second board 54 has a rear edge 56 that extends over the sunken well 18 and is adjacent to and foldably connected to a front edge 52 of the first board 38. The second board 54 also has pads 58 for supporting contact with a full-size spare tire 22 as shown in Fig. 7. When a temporary spare tire 20 is being stored in the sunken well 18, a *cylindrical tube 81 (Fig. 6) functions as a central support to hold up the first and second boards 38, 54.* When a full-size spare tire 22 is stored in the sunken well 18, *the tire 22 will hold up the boards 38, 54 via pads 50 and 58.* (Loveland, Col. 2, Line51 - Col. 3, Line 40).

As clearly illustrated in Figs. 6 and 7 and described above, the Loveland trunk liner *requires* a spare tire to support the first and second boards. Thus, Loveland fails to teach a floor mat having a pliable layer and a rigid member attached to a portion of the pliable layer such that that the pliable layer is rendered substantially non-pliable above the recessed portion, and such that the floor mat is *self-supporting* and can *independently support* a load placed thereon above the recessed portion, *without any external support from within the recessed portion.*

In re: Pott et al.
Serial No.: 10/797,775
Filed: March 10, 2004
Page 14 of 15

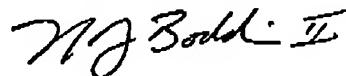
As viewed by the ordinary artisan, there is a great difference between Applicants' mat as claimed in amended independent Claim 1 and the trunk liner of Loveland. Because Loveland does not disclose all of the recited elements of independent Claim 1, Claim 1 and all claims depending therefrom are not anticipated by Loveland. For at least the same reasons, independent Claims 18, 23 and 29, and all claims depending therefrom, are not anticipated by Loveland. As such, the rejections under 35 U.S.C. §102 are overcome.

Regarding dependent Claim 2, the Action states that "Loveland discloses the vehicle floor mat of Claim 1, wherein the rigid member (38,54) is at least partially disposed within the pliable layer (60)." (Action, Page 3). The Action, however, provides no cite in Loveland that supports this assertion. Applicants respectfully assert that Loveland fails to teach or suggest a rigid member at least partially disposed within a pliable layer. Nothing in the figures of Loveland illustrate this and nothing in the specification of Loveland teaches or suggests this.

Because the Loveland trunk liner requires a spare tire to support the trunk liner, Loveland teaches away from a floor mat that is *self-supporting* and can *independently support* a load placed thereon above a recessed portion, *without any external support from within the recessed portion*. Thus, because Loveland fails to teach or suggest *all* the recitations of Claim 1, Applicants respectfully request withdrawal of the present rejections of independent Claim 1, and claims dependent therefrom, under 35 U.S.C. §103. For at least the same reasons, Applicants respectfully request withdrawal of the present rejections of independent Claims 18, 23 and 29, and claims dependent therefrom, under 35 U.S.C. §103.

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



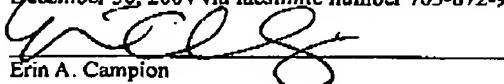
Needham J. Boddie, II
Attorney for Applicants
Registration No. 40,519

In re: Putt et al.
Serial No.: 10/797,775
Filed: March 10, 2004
Page 15 of 15

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Doc. No. 413386

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office on December 30, 2004 via facsimile number 703-872-9306.


Erin A. Campion